

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL
TUESDAY, JULY 22, 2008
COUNCIL CHAMBERS, 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

4:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - **Conference with Legal Counsel – Existing Litigation Pursuant to Subdivision (a) of §54956.9 Case: Betty Burks v. City of Sunnyvale – Santa Clara County Superior Court No. 1-06-CV-075668**
4. Adjourn Special Meeting

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - **Closed Session Pursuant to Government Code §54957 – Public Employee Appointment Title: City Manager**
4. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, the City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.

SALUTE TO THE FLAG

ROLL CALL

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours, posted online with the agenda the day following the meeting, and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.

CLOSED SESSSION REPORT FOR JULY 15, 2008

Conference with Real Property Negotiator pursuant to Government Code § 54956.8.

Properties: Kasik Parcel and Tasman Parcel. Negotiating Parties: Amy Chan (City); Andy Kasik (Kasik Parcel); Susanna Pau (Tasman Parcel). Under Negotiation: Price and Terms of Payment

CLOSED SESSION REPORT FOR JULY 22, 2008

Conference with Legal Counsel – Existing Litigation Pursuant to Subdivision (a) of §54956.9 Case: Betty Burks v. City of Sunnyvale – Santa Clara County Superior Court No. 1-06-CV-075668

CLOSED SESSION REPORT FOR JULY 22, 2008

Closed Session Pursuant to Government Code §54957 – Public Employee Appointment Title: City Manager

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- 1.A. MOTION Approval of Draft Minutes of June 24, 2008
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 08–228 No. 410

Staff Recommendation: Council reviews the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7385

- 1.D. RESOLUTION Council Approval by Resolution to Submit Two Applications for
MOTION Transportation Fund for Clean Air (TFCA) Grant Funding
RTC 08–226

Staff Recommendation: Council approves Resolutions authorizing the two grant applications for Transportation Fund for Clean Air (TFCA) funding and authorizes the City Manager to execute funding agreements for these two projects if the grants are awarded.

Staff Contact: Gail Bentley, (408) 730-7469

- 1.E. MOTION Transmittal of the Youth, Family, and Child Care Resources (Program
RTC 08–227 526) Performance Results Audit for FY 2006/2007

Staff Recommendation: Council receives the audit report and concurs with management's acceptance of recommendations.

Staff Contact: Sue English, (408) 730-7401

- 1.F. MOTION Commitment of \$1.2 million in HOME funds toward the ground lease for
RTC 08-210 the development of up to 125 units of affordable senior housing at 660
S. Fair Oaks and approval of Budget Modification No. 1

Staff Recommendation: Council authorizes the City Manager to enter into a HOME Agreement to commit \$1.2 million towards an upfront ground lease payment with the County of Santa Clara for the development of an affordable senior housing project of up to 125 units at the County Clinic site at 660 S. Fair Oaks Avenue.

Staff Contact: Laura Simpson, (408) 730-7698

Contracts

- 1.G. MOTION Award of Bid No. F0705-95 for Asphaltic Materials for the Department
RTC 08-229 of Public Works Pavement Operations Program

Staff Recommendation: Council awards a one year contract for asphaltic materials on an “as needed” basis to Reed and Graham, Incorporated, of San Jose in substantially the same form as the attached draft Purchase Order and in a total amount not to exceed \$610,000.

Staff Contact: Pete Gonda, (408) 730-7385

- 1.H. MOTION Award of Bid No. F0608-20 for Four Fire Engines
RTC 08-230

Staff Recommendation: Council awards a contract, in substantially the same form as the attached draft Purchase Order and in the amount of \$1,808,459 to Ferrara Fire Apparatus Incorporated, for four Ferrara Fire Engines.

Staff Contact: Pete Gonda, (408) 730-7385

- 1.I. MOTION Authorization to Modify an Existing Contract for Environmental Consulting
RTC 08-232 Services for the Sunnyvale Town Center Redevelopment Project (F0807-
01)

Staff Recommendation: Council increases authorized expenditures under an existing two year contract with URS Corporation, and extends by one year, in substantially the same form as the attached draft amendment, for “on-call” environmental consulting services, making a three year contract amount not to exceed \$300,000.

Staff Contact: Pete Gonda, (408) 730-7385

Other Items

- 1.J. RESOLUTION Adoption of a Resolution Accepting an Amendment version of the Grand
MOTION Boulevard Initiative’s Guiding Principles In Providing Direction in the
RTC 08-215 Development of Property Along El Camino Real in the City of Sunnyvale

Staff Recommendation: Council adopts the Resolution to endorse the amended 10 Guiding Principles of the Grand Boulevard Initiative as amended.

Staff Contact: Andrew Miner, (408) 730-7707

- 1.K. RESOLUTION Adoption of a Resolution to Participate in the FOCUS Priority
MOTION Development Area (PDA) Program in Order to be Awarded a Grant for
RTC 08-216 Efforts to Encourage More Housing and to Improve the Community Area
Adjacent to Transit

Staff Recommendation: Council adopts a Resolution to allow staff to make an application for the FOCUS PDA designation.

Staff Contact: Andrew Miner, (408) 730-7707

**STAFF RESPONSES TO
PRIOR PUBLIC
COMMENTS**

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Request to initiate a Specific Plan Amendment Study to the Downtown
RTC 08-225 Specific Plan for an increase in the allowed number of stories from five to six stories for the new hotel only (no increase in height) and various amendments to increase the allowable signage

Staff Recommendation: Council authorizes the initiation of a Specific Plan Amendment Study for an increase in the allowed number of stories from five to six stories for the new hotel and various amendments to increase the allowable signage.

Staff Contact: Steve Lynch, (408) 730-2723

3. MOTION Selection of Community Members to Serve on Interview Panels for New
RTC 08-231 Sunnyvale City Manager

Staff Recommendation: Council selects community members to serve as panelists to assist in the selection of the new Sunnyvale City Manager.

Staff Contact: Erwin Young, (408) 730-7490

4. RESOLUTION Public Hearing to Consider Approval to Levy and Collect an
MOTION Assessment for the Downtown Parking Maintenance District for FY
RTC 08–207 2008/2009 and approval of the Final Engineer's Report

Staff Recommendation: If the vote as tabulated is in support of the proposed assessment,

- Council adopts the Resolution to levy and collect the assessment for the district for FY 2008/2009;
- Council approves the Final Engineer's Report; and
- Council directs staff to instruct engineer to forward assessment to the County for inclusion on the property tax rolls.

If the vote as tabulated is not in support of the proposed assessment,

- Option 1; and
- Option 2

Staff Contact: Connie Verceles, (408) 730-7256

5. RESOLUTION Adoption of Proposed Fiscal Year 2008/2009 Rates for the Solid
MOTION Waste Utility
RTC 08–221

Staff Recommendation: Council adopts the attached Resolution adjusting solid waste rates.

Staff Contact: Tim Kirby, (408) 730-2712

6. RESOLUTION Public Hearing – Collection of Wastewater Charges for Property
MOTION Outside the City on the Fiscal Year 2008/2009 Property Tax Roll
RTC 08–209

Staff Recommendation: Council adopts the Resolution approving the proposed assessments.

Staff Contact: Tim Kirby, (408) 730-2712

7. RESOLUTION Public Hearing to Cause Charges for Non-Payment of Utility Services to
MOTION be Placed on the FY 2008/2009 Tax Roll
RTC 08–220

Staff Recommendation: Council adopts the attached Resolution causing charges for non-payment of utility services to be placed on the FY 2008/2009 tax roll.

Staff Contact: Tim Kirby, (408) 730-2712

8. MOTION Consideration of Motion to Rescind Vote on the Number of
RTC 08–180 Councilmembers Required to Sponsor a Study Issue Paper

Staff Recommendation: None. Council request.

Staff Contact: Robert Walker, (408) 730-7458

9. **ORDINANCE** Adoption of Ordinance No. 2874-08 Amending Table 19.20.030 of
 No. 2874-08 Section 19.20.030 (Permitted, Conditionally Permitted and Prohibited
 Uses in Commercial Zones) of Chapter 20 (Commercial Zoning
 Districts) of Article 3 (Zoning Districts, Uses and Related Development
 Regulations) of title 19 (Zoning) of the Sunnyvale Municipal Code to
 Allow Donation Centers for Used Goods in the Neighborhood
 Commercial (C-1) Zoning District and to Eliminate the Separation
 Requirement

Staff Recommendation: Council approves second reading of Ordinance No. 2874-08.

Staff Contact: David Kahn, (408) 730-7464

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 08-222 Boards and Commissions Quarterly Attendance (Spring 2008) (Information Only)
- Draft minutes of the Board of Library Trustees Meeting of July 7, 2008

ADJOURNMENT TO STUDY SESSION

SPECIAL COUNCIL MEETING (Study Session)
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City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session
 - **Review Options Regarding Council Activity Calendar**
4. Public Comments
5. Adjourn Special Meeting

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
July 22, 2008	Council Meeting	7 p.m.	Council Chambers
August 12, 2008	Council Meeting	7 p.m.	Council Chambers
August 19, 2008	Council Meeting	7 p.m.	Council Chambers
September 9, 2008	Council Meeting	7 p.m.	Council Chambers
September 16, 2008	Council Meeting	7 p.m.	Council Chambers
September 30, 2008	Council Meeting	7 p.m.	Council Chambers
October 7, 2008	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

July 23, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
July 23, 2008	Special Joint Meeting with Arts Commission and Parks and Recreation Commission	7 p.m.	Library Prog. Room
July 28, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
July 28, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 30, 2008	Administrative Hearing	2 p.m.	West Conf. Room
August 4, 2008	Board of Library Trustees	7 p.m.	Council Chambers
August 6, 2008	Heritage Preservation Commission	7 p.m.	West Conf. Room
August 11, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
August 11, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
August 13, 2008	Administrative Hearing	2 p.m.	West Conf. Room
August 13, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
August 18, 2008	Personnel Board	5 p.m.	Council Chambers
August 20, 2008	Arts Commission	7 p.m.	Council Chambers
August 21, 2008	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
August 27, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
September 10, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
September 17, 2008	Arts Commission	7 p.m.	Council Chambers
October 8, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
October 15, 2008	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

July 22, 2008	City Council Meeting – Live	7 p.m.
July 23, 2008	City Council Meeting – Replay of July 22, 2008	7 p.m.
July 27, 2008	City Council Meeting – Replay of July 22, 2008	4 p.m.
August 12, 2008	City Council Meeting – Live	7 p.m.
August 13, 2008	City Council Meeting – Replay of August 12, 2008	7 p.m.
August 17, 2008	City Council Meeting – Replay of August 12, 2008	4 p.m.
August 19, 2008	City Council Meeting – Live	7 p.m.
August 20, 2008	City Council Meeting – Replay of August 19, 2008	7 p.m.
August 24, 2008	City Council Meeting – Replay of August 19, 2008	4 p.m.
September 9, 2008	City Council Meeting – Live	7 p.m.
September 10, 2008	City Council Meeting – Replay of September 9, 2008	7 p.m.
September 14, 2008	City Council Meeting – Replay of September 9, 2008	4 p.m.
September 16, 2008	City Council Meeting – Live	7 p.m.
September 17, 2008	City Council Meeting – Replay of September 16, 2008	7 p.m.
September 21, 2008	City Council Meeting – Replay of September 16, 2008	4 p.m.
September 30, 2008	City Council Meeting – Live	7 p.m.

October 1, 2008	City Council Meeting – Replay of September 30, 2008	7	p.m.
October 5, 2008	City Council Meeting – Replay of September 30, 2008	4	p.m.
October 7, 2008	City Council Meeting – Live	7	p.m.
October 8, 2008	City Council Meeting – Replay of October 7, 2008	7	p.m.
October 12, 2008	City Council Meeting – Replay of October 7, 2008	4	p.m.